

JUDGE THOMAS O. RICE

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON AT SPOKANE

JAMES LEIGHTY,

Plaintiff,

v.

SPOKANE COUNTY, a municipal
corporation; SHERIFF JOHN NOWELS,
an individual; and SPOKANE COUNTY
SHERIFF'S OFFICE, a subdivision of a
municipal corporation,

Defendants.

No. 2:24-cv-00165-TOR

STIPULATION AND [PROPOSED]
ORDER ENTERING PERMANENT
INJUNCTION

2/20/2025
Without Oral Argument

STIPULATION

This matter comes before the Court upon the stipulation of Plaintiff James Leighty and Defendants Spokane County, Sheriff John Nowels, and the Spokane County Sheriff's Office for the entry of a stipulated order granting a permanent injunction.

1 Plaintiff brought this action for violations of the First Amendment by
2 Defendants through censorship of Plaintiff's comments on its official Facebook
3 Page.

4 Defendants agree to the following permanent injunctive terms:

- 5 1. Defendants agree to be enjoined from enforcing its social media
6 Disclaimer against Plaintiff (or anyone else) by "hiding" or otherwise
7 removing from public view speech protected by the First Amendment.
- 8 2. Defendants have turned off the ability of any Facebook user to comment
9 on the County's Facebook page and agree to be enjoined from turning
10 back on the comments without future leave from the Court.
- 11 3. Hidden comments prior to the date of Plaintiff's complaint, May 21,
12 2024, are not subject to this Order.
- 13 4. These named Defendants agree to be bound by these terms for the
14 duration of Sheriff Nowels term in office. Sheriff Nowels may seek a
15 modification to this Order in the event that there are any substantive legal
16 changes to social media and First Amendment rights during his tenure.
- 17 5. The parties further agree that this Order encompasses the understanding
18 that any future Sheriff may seek to modify this order by filing a motion
19 with this Court.

20 1) ORDER

21 Based on the foregoing stipulation and having reviewed the pleadings, the
22 Court finds that requirements for entry of a permanent injunction have been met,
23 and hereby ORDERS that until a further order from this Court:

- 1 1. Defendants agree to be enjoined from enforcing its social media
2 Disclaimer against Plaintiff (or anyone else) by “hiding” or otherwise
3 removing from public view speech protected by the First Amendment.
- 4 2. Defendants have turned off the ability of any Facebook user to comment
5 on the County’s Facebook page, and are hereby enjoined from turning
6 back on the comments without future leave from the Court.
- 7 3. Sheriff Nowels may seek an Order to modify or vacate this Order based
8 upon any substantive legal changes in social media and First Amendment
9 rights.
- 10 4. Any future Sheriff of Spokane County may seek an Order to modify or
11 vacate this Order.

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14 DATED this _____ day of _____, 2025.
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Hon. Thomas O. Rice
20 United States District Court Judge
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2 EVANS, CRAVEN & LACKIE, P.S.

MacDONALD HOAGUE &
BAYLESS

3 By: /s/Heather Yakely
4 Heather C. Yakely, WSBA #28848
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5 *Attorney for Defendants Spokane*
County and John Nowels

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8 *Attorneys for Plaintiff*
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CERTIFICATE OF SERVICE

I, Lucas Wildner, declare under penalty of perjury under the laws of the United States of America that I caused to be served in the manner noted below a copy of the foregoing document on the following participant(s):

EVANS, CRAVEN & LACKIE, P.S

Heather C. Yakely, WSBA #28848
Savannah Youmans, Legal Assistant
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*Attorney for Defendants Spokane
County, John Nowels, and Spokane
County Sheriff's Office*

☒ Via Clerk of the Court (CM/ECF System)

☐ Via Facsimile

☐ Via First Class Mail

☐ Via Email

☐ Via Overnight Delivery

DATED this 13th day of February, 2025, at Seattle, Washington.

/s/Lucas Wildner

Lucas Wildner, Legal Assistant